

Submitted by Counsel:

Ulysses Thomas Ware
Reg. No. 56218-019
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12/12/2012 05:22:22 P.M. printed

PRIORITY

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JAMES N. HATTEN, CLERK

By *[Signature]* Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ULYSSES THOMAS WARE,
PETITIONER,

VS.

CASE #: 12-CV-

1: 12-CV-4397

WARDEN DARLEEN DREW,
BUREAU OF PRISONS,
ATLANTA PRISON CAMP.
RESPONDENTS.

EMERGENCY PETITION FOR IMMEDIATE RELEASE
28 USC §2241: PETITION FOR A WRIT OF HABEAS CORPUS
ACTUAL AND FACTUAL INNOCENCE OF ALL CHARGES

#8

Evidence of the Mental Illness of SEC lawyer Jeffrey B. Norris during the 03-0831 (D. NV) proceedings, and during his perjurious testimony for the Government in 1224 in November 2007: Norris was insane and that fact was covered up by Michael J. Garcia (the U.S Attorney (SDNY) to committ a fraud on the court.

20

12/16/2012

Submitted by Counsel:

Ulysses Thomas Ware (56218-019)
 Atlanta Prison Camp
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 Atlanta, GA 30315
 11/12/2012 09:22:21 A.M. printed

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF GEORGIA
 ATLANTA DIVISION

ULYSSES THOMAS WARE,	:
PETITIONER,	:
	:
	: CASE # 12-CV-1671-MHS (GGB)
VS.	:
	: NEWLY DISCOVERED EVIDENCE OF SEC FRAUD:
JAMES N. HATTEN, ET AL.,	: COVER-UP OF MENTAL ILLNESS AND TERMINATION
RESPONDENTS, AND UNINDICTED	:
CO-CONSPIRATORS, AND	:
RACKETEERS.	:
	:

11/12/2012 DECLARATION OF ULYSSES THOMAS WARE

11/12/2012 NEWLY DISCOVERED EVIDENCE: SEC FRAUD - JEFFREY B. NORRIS, ESQ.
 MENTAL ILLNESS AND TERMINATION FOR EMAIL MISCONDUCT.

SEE NORRIS V. SEC, 2012 U. APP. LX 7169 (FED. Cir. 2012)

¶1

SEC lawyer Jeffrey B. Norris, Esq., the SEC's trial lawyer in SEC v. Small Cap Research, et al., 03-0831-KJD-RJJ (D. NV), ("0831"), whom colluded, conspired, and racketeered with District Judge Thomas W. Thrash, Jr. (NDGA) in 05-CV-2917-TWT (NDGA) to committed a fraud on the court by the issuance of a fraudulent Rule 45 subpoena in 2005. Norris was terminated by the SEC for misconduct on 08/28/2009 by his supervisor Rose Romero, Esq. (Regional Enforcement Chief of the Fort Worth, TX office).

¶2

Norris was and had been suffering from mental illness (AD/HD), was under the care of a psychiatrist.

¶3

Romero terminated Norris for misconduct based on misuse of government email accounts, and "concluded that Norris did 'not have the potential for rehabilitation

(1)

12/16/2012

because of prior disciplinary actions have prevented [his] impulsive and improper e-mails.'" (emphasis added).

¶4

Romero has also learned that Norris was also severely disciplined for misconduct related to a 2007 incident in which he was permanently "barred from presenting cases to [SEC] commissioners in the future." (emphasis added).

¶5

On 04/19/2011 an arbitrator affirmed Norris' termination by the SEC for misconduct finding that Romero did not abuse her discretion in firing Norris for misconduct as a SEC lawyer as a result of his "aggressive behavior" "Norris [in]ability to maintain confidential information or good working relationships with other staff members." (emphasis added).

¶6

The SEC and USAO (SDNY) were both under a written discovery order to disclose any and all Brady and Giglio evidence in 05-Cr-1115 (WHP)(SDNY), ("1115") and 04-Cr-1224 (RWS)(SDNY), ("1224") which is a continuing duty extending after trial, appeal, and Rule 33 motion for new trial. See Dkt. ##153, 157 in 03-0831 (D. NV).

¶7

In 10/2010, after Norris was terminated by the SEC on 08/29/2009, Mr. Ware submitted to the 1115 Court a Rule 33 motion for a new trial in 1115 based on the newly discovered email evidence suppressed by the SEC and USAO in 1115. Cf. Attachment.

The email evidence proved that the SEC, Norris, the USAO, District Judge Dawson, Pauley, and others committed judicial and prosecutorial criminal misconduct, and all committed a fraud on the court by government lawyers (a reckless disregard for the truth in suppressing Brady and Giglio evidence) in 0831 by colluding and conspiring with District Judge Kent J. Dawson, and the Second Circuit Court of Appeals (Circuit Judges Kearse, Sack, and Hall by accessing Kastigar immunized evidence) in the disclosure of confidential Kastigar evidence in violation of the Fifth Amendment's Due Process Clause. Cf. 18 USC §§241, 242.

¶8

SEC Regional Enforcement Director Romero alleged, and Norris also admitted in the arbitration hearing (Brady and Giglio evidence) to email misconduct which led to his termination; yet the SEC and the USAO suppressed the email misconduct of Norris, Southwell, and other SEC employees which was required to be disclosed according to the written discovery orders (cf. 18 USC §401(3) contempt of court orders, and Rule 42 of Fed. R. Crim. Proc.), of the 1115 court (see Dkt. #17, May 19, 2006 transcript at at Tr. 5-7); and the 1224 court's August 10, 2007, Dkt. #32 ordering the disclosure of all

(2)

12/16/2012

Brady and Giglio evidence before trial; which the disclosure is a continuing duty. Cf. Dkt. ##153, 157 in 0831 for Declaration and memorandum of law, respectively, discussing the SEC's and USAO's Fifth Amendment Brady and Giglio disclosure duties and obligations.

¶9

On 04/16/2012 at Dkt. #155:0831, SEC lawyer William S. Greig, Esq., an officer of the court, capitulated and issued the SEC's mea culpa, conceding that the SEC's 0831 complaint (Dkt. #1) was not actually signed according to Rule 11, by former SEC lawyer Jeffrey B. Norris; and also purporting to allege that the SEC does not know who actually signed the bogus, frivolous, and fraudulent 0831 complaint, Dkt. #1.

¶10

However, before the SEC could have, on 07/14/2003, filed the bogus and fraudulent 0831 complaint, the SEC was first required to obtain the permission of the "commissioners" of the SEC to file a complaint where the SEC at ¶30, 31, and 33 judicially admitted there was no securities fraud regarding Investment Technology, Inc.'s press release.

Recalling, (see ¶4, supra), that in 2007 Norris was permanently "barred from presenting cases to the [SEC's] commissioners in the future" due to aggressive misconduct; thus why did the SEC's commissioners approve a bogus, frivolous (cf. Fed. R. Civ. Proc. Rule 11), and fraudulent complaint when the SEC's own lawyers (Norris, Barasch, Martin, and Hannan) judicially admit there was no securities fraud regarding INZS, which pled the United States out of court, which is res judicata and collateral estoppel against the United States?

¶11

The SEC's Judicial admissions were made on behalf of the United States which -- as a matter law -- pled the United States (the real party in interest, and its privies: the SEC, the USAO (SDNY), the FBI, and the Federal Courts) out of court. Cf. see 10/30/2008 Order to Suspend of the District Court (NDGA), which is null and void, (see also 10/06/2008 Supreme Court of Georgia's order of disbarment which is null and void)), as a result of the SEC's binding judicial admissions; and the issues (materiality, market efficiency, etc.) are collaterally estopped from being raised in any subsequent proceedings (State Bar's proceeding, Supreme Court of Georgia's proceedings, District Court (NDGA) proceeding, 12-CV-1671 (NDGA) proceedings, 05-CV-2917 (NDGA) proceeding), between the United States and Mr. Ware. Cf. 12-CV-1671-MHS(GGB) (NDGA), see Dkt. #1 (05/10/2012 Emergency Rule 60 motion), and Dkt. #26 (09/26/2012, (Brill, J.) Jim Crow **judicial poll tax** Hobbs Act order threatening Mr. Ware with dismissal of his Rule 60 motion unless the extortion of \$350.00 is paid to James N. Hatten; and also see 05-CV-2917, 04-MJ-1203, and 05-MJ-116 (NDGA), all null and void.

(3)

12/16/2012

Therefore, (1) the United States (and its privies), (see 28 USC §547(1)) was collaterally estopped from seeking, procuring, and prosecuting the bogus and fraudulent 1115 indictment alleging securities fraud with respect to INZS press releases, the 1115 District Court (cf. 18 USC §3231, lacked an offense against the laws of the United States) was prohibited from accepting any evidence in 1115; (2) Norris was prohibited from knowingly committing perjury suborned by the USAO (SDNY) from testifying in 1224 in contradiction to the SEC's incontrovertible binding judicial admissions made in the 0831 complaint at ¶¶30, 31, and 33; (3) the District Court (NDGA) was prohibited from issuing the 10/30/2008 Order to Suspend (1115 judgments are null and void), and (4) the Supreme Court of Georgia was prohibited from issuing the bogus and fraudulent 10/06/2008 order of disbarment of Mr. Ware (1115 judgments null and void), (the "RICO Fraudulent Orders").

¶12

On 04/29/2005 at the 0831 bogus staged SEC-USAO-District Judge Dawson's Show Cause contempt hearing, prior to the hearing SEC lawyer Jeffrey B. Norris, Esq. demanded that Mr. Ware meet with him in the hall outside Judge Dawson's court.

Norris began to threaten Mr. Ware that unless Mr. Ware answered all of Norris' questions Norris stated, "Judge Dawson has already agreed to arrest you today and to hold you until you answer every question I have regarding Group Management Corp. and INZS" (emphasis added).

Prior to answering any of Norris' questions Mr. Ware invoked his Fifth Amendment right to remain silent, and informed Norris that "no questions would be answered unless Norris immunized [Mr. Ware] pursuant 18 USC §§6002-04."

Norris stated " ... I am authorized to immunize you so go ahead and tell me what I want to know."

Statutory immunity prohibited the SEC and the USAO from any use of the information Mr. Ware gave Norris on 04/29/2005; and prohibited the use of any and all derivative information (Kastigar evidence) obtained as a result of the information given Norris; and prohibited Norris from testifying in 1224 with respect to the information Mr. Ware gave Norris.

Mr. Ware answered all Norris' questions under statutory immunization (Kastigar) with respect to INZS and GPMT in the 02-CV-2219 (LBS)(SDNY) New York litigation.

After answering all Norris's questions, Norris stated to Mr. Ware: "You did the right thing here today by answering my questions, Judge Dawson is mad as hell ... he had already agreed [(via ex parte communications in violation of the Code of Conduct for Federal Judges Canon 3(B)(4) violate Mr. Ware's due process rights and] to arrest you as soon as we walked into the court room, unless I told him you cooperated with me ...

you are going to have to issue those legal opinions to Judge Sand's people in New York ... Judge Sand is very mad with you ... you cost them a lot of money ... Judge Sand said that you must be mentally insane to think they were going to let a Nigger keep all that stock [(+\$500 million)] ... you are going to have to pay me \$500.00 per month [(extortion)] while this case is on appeal as good faith for me to keep Judge Sand from arresting you again ... and you are going to have to give me a deposition ... if you don't Judge Sand is going to have you indicted for securities fraud and he will make sure you will not get out this time" (emphasis added).

According to Norris, in essence, the SEC, the USAO, federal and state judges, federal and state employees, and the United States Department of Justice all have committed an execrable, pernicious, and insidious criminal fraud (a hate crime) (18 USC §2, 4, 201, 241, 242, 371, 891-94, 1201-02, 1341, 1343, 1346, 1503, 1505, 1512, 1621-23, 1951, 1956-57, 1961-64; 11 USC §3057; and 15 USC §§77d, 77e, 77x, 78j(b), 78o(a), and 78ff; and Rule 10b-5), (the "RICO Predicate Crimes"), committed due to an insatiable avariciousness, and topological insouciance, exacerbated by the criminal dynamic of judicial and prosecutorial institutionalized racism, bias, and prejudice, i.e., an unprecedented GREED estimated at +\$25 billion in ill-gotten gain.

I Ulysses Thomas Ware, being of the age of majority and with personal knowledge of the facts have this 12th day of November, 2012 in the city of Atlanta, GA, at the Atlanta Prison Camp, made this Declaration under oath and pursuant to the penalty of perjury, and was made pursuant to 28 USC §1746.

Ulysses T. Ware

Ulysses Thomas Ware
Atlanta, GA 30315

11/12/2012 12:44:32 P.M. printed

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Submitted by Counsel:

Ulysses J. Ware

Ulysses Thomas Ware

Reg. No. 56218-019

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Atlanta, GA 30315

11/07/2012 05:44:59 P.M. printed

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES SECURITIES AND EX. COMM.
PLAINTIFF-RESPONDENT

Case #: 03-0831-KJD-RJJ

VS.

SMALL CAP RESEARCH GROUP, INC., ET AL.,
DEFENDANTS-RESPONDENT.

NEWLY DISCOVERED EVIDENCE SUPPRESSED BY SEC AND USAO

Fraud on the Court Committed the the USAO (SDNY) and the SEC.

11/07/2012 SUPPLEMENT #1.0-A

12/16/2012

Submitted by Counsel:

Ulysses J. Ware

Ulysses Thomas Ware

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11/07/2012 05:44:59 P.M. printed

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES SECURITIES AND EX. COMM.
PLAINTIFF-RESPONDENT

Case #: 03-0831-KJD-RJJ

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DEFENDANTS-RESPONDENT.

NEWLY DISCOVERED EVIDENCE SUPPRESSED BY SEC AND USAO

Fraud on the Court Committed the the USAO (SDNY) and the SEC.

SUBMITTED BY COUNSEL:

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P.O. Box 150160
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11/07/2012 01:08:33 P.M. printed

I Ulysses Thomas Ware, pursuant to the penalty of perjury and oath, hereby make this Declaration pursuant to 28 USC §1746, having personal knowledge of the facts state the following:

The information contained in this Declaration was taken from Norris v. SEC, 2012 U.S. App. LX 7169 (Fed. Cir. 04/10/2012, ("7169")); filings in 03-0831-KJD-RJJ (D. NV), ("0831"), and from personal knowledge as an eye witness to Norris' behavior and misconduct while testifying for the USAO at trial in 04-Cr-1224 (RWS)(SDNY), see Ex. #3, Dkt. #107:0831 for Norris' perjury in 1224.

¶1

On or about 11/2012 I was informed by a private investigator that SEC lawyer Jeffrey B. Norris, had been terminated from the SEC on or about August 28, 2009 for misconduct. Cf. Supp. #1 at 4: "Norris served as a Trial Attorney with the SEC from February 23, 1992, until he was removed [for misconduct] on August 28, 2009" for "exercising poor judgment and misuse of government email [(cf. also with Supplement #2, inappropriate emails of Norris)] on two separate occasions." (emphasis added).

¶2

The SEC removed Norris for misconduct which occurred "from March to May 2007" regarding Marc Cuban (Supp. #1, Ibid), during the time of Mr. Ware's trial in the Vendetta

(1)

12/16/2012

Prosecutions in New York (U.S. v. Ware, 05-Cr-1115 (WHP)(SDNY), ("1115"), and 04-Cr-2219 (LBS)(SDNY), ("2219").

¶3

Norris was scheduled to be a material witness in 1115 (cf. Dkt. #31, 32, 40); and Norris actually knowingly and intentionally committed perjury knowingly suborned by the United States Attorney (SDNY), (the "USAO") to commit a fraud on the court by knowingly testifying falsely in 1224.(Cf. Supp. #1 at 18-21).

¶4

On 04/25/2009 (after trial in both 1115 and 1224) Mr. Ware filed his motion for the USAO (which included the investigating government agency, the SEC, and its employees) to certify compliance with all Brady and Giglio requirements in 1115 and 1224. Cf. Id at 18 (¶7); see also Id. at 24-27; 32(¶12); 34-36 (¶¶22-36); 37-39; 40-52 (Brady evidence).

In responding on behalf of the USAO AUSA Maria E. Douvas, Esq. (an officer of the court) filed a false and fraudulent Declaration dated 05/11/2009 in 09-0851-Cr and 07-5222-Cr where in ¶8 she committed perjury, and lied and committed a fraud on the court. Cf. Id. at 18-19.

On 06/16/2009 Norris' supervisor (SEC lawyer Rose Romero, Esq., an officer of the court) responded (prefunctory) to Mr. Ware's letter dated 05/29/2009 addressing Norris', the DOJ's, the SEC's, and the Judiciary's criminal conduct regarding the Vendetta Prosecutions. Id. at 53.

Romero did not inform Mr. Ware that she had already decided remove Norris as a Trial Lawyer for misconduct, even though Mr. Ware had filed the Brady and Giglio certification motion on 04/25/2009. Id. at 18.

¶5

On 05/22/2009 [] the SEC (Romero) had "sent Norris a notice of proposed removal which proposed to remove him [(Norris)] based on the three emails sent in 2008[.]" Id. at 4-5.

¶6

Norris responded to the SEC's proposed notice of removal claiming, inter alia, that he suffered from **mental illness** (Giglio evidence), i.e., ("Attention Deficit Hyperactivity Disorder ("AD/HD"))." Ibid.

¶7

On 08/19/2009 (the day after the Second Circuit entered the bogus and fraudulent opinion in U.S. v. Ware, 577 F.3d 442 (2d Cir. 2009), (Kearse, J.)), cf. ¶3, supra, "Rose Romero [], informed Norris that she has decided to remove him effective August 28, 2009, for misuse of government equipment by sending unauthorized or inappropriate

emails." (emphasis added).

¶8

The SEC, Romero, Norris, and the USAO, (the "Government Agents"), all knew that Norris' misconduct was Giglio evidence, and all knew that the SEC's decision to "remove" Norris was newly discovered evidence material to both 1115 and 1224; and all knew that Mr. Ware had petitioned the Courts for access to the Brady and Giglio evidence in the possession of the USAO, or SEC. See Id. at 18-21.

¶9

Romero, an officer of the court, and employee of the investigating agency (the SEC) on behalf of the USAO, was and is currently also subject to the discovery orders of the 1115 court (Dkt. #17:1115); and the 1224 court's 08/10/2007 discovery order, cf. Id. at 20, 44-49.

¶10

The government agents also knew and currently know that they were and are in criminal contempt (18 USC §401(3)) of a court order by not disclosing all Brady and Giglio evidence regarding a SEC witness (Norris) who testified on behalf of the government (USAO), and knowingly committed perjury, at trial in 1224. Id. at 20.

Norris' statements to the USAO prior to taking the witness stand were also Jencks Act (18 USC §3500) evidence, which would have impeached and proved that Norris was mentally unstable during the 0831 SEC Las Vegas litigation; and mentally unstable while testifying at trial in 1224 in November 2007. See Dkt. #157:0831 for memorandum of law regarding SEC's and USAO's "continuing Brady and Giglio duties even after trial and appeal."

¶11

The SEC admitted that Norris' mental illness was of such an extent "that he did 'not have the potential for rehabilitation because prior disciplinary actions have not prevented [Norris'] impulsive emails.'" Cf. Supp. #2 at 5 regarding Mr. Ware's 09/01/2004 illegal arrest arranged by the SEC/USAO to prevent Mr. Ware from deposing SEC lawyer Stephen Webster, Esq., see Id. at 6: "September 1, 2004" was the date suggested by Norris to depose Webster, the exact same date that the U.S. Marshals kidnapped Mr. Ware in Atlanta, GA; cf. 05-cv-2917-TWT (NDGA); see also Id. at 5) in violation of the Omnibus Clause of 18 USC §§2, 241, 242, 371, 1201-02, 1503, 1505, 1512, 1621-23, 1951, 1956-57, and 1961-64, (the "SEC RICO Predicate Acts").

¶12

The SEC had also previously disciplined Norris by barring Norris "from presenting cases to the commissioners in the future" because Norris "had a confrontation with agency commissioners in 2007" (the same time of the Vendetta Trials conducted by the USAO (SDNY). Supp. #1 at 5.

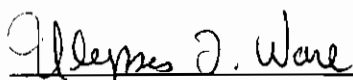
¶13

Norris was also under "psychiatric" care for his mental illness in 2007, Giglio evidence. (Palpably according to n. 2, 3 "agency counsel" knew of Norris' disbarment (Giglio evidence) which has been suppressed and has never been disclosed, as required by the Due Process Clause, to Mr. Ware by the SEC or USAO in 1115 or 1224). Cf. Id. at 18-21, 26.

¶14

The SEC colluded and conspired with the USAO and the Department of Justice to suppress both Brady and Giglio evidence in the possession of the SEC and USAO in willful violation of the Due Process Clause of the Fifth Amendment in 'reckless disregard for the truth' by government lawyers, a fraud on the court. Demjanjuk v. Petrovsky, 10 F.3d 338, 352-58 (6th Cir. 1993); see also Hazel Atlas-Glass CO. v. Hartford Empire Co., 322 U.S. 238, 242-50 (1944) (tampering with the judicial machinery is an offense against the very persons the system to designed to protect).

I Ulysses Thomas Ware have set my hand and seal and have signed this Declaration under oath and subject to the penalty of perjury, and this Declaration was made pursuant to 28 USC §1746.



Ulysses Thomas Ware

Atlanta, GA 30315

11/07/2012 05:07:10 P.M. printed

I hereby incorporate by reference Dkt. ##153, 157, 159, 160, 161, 164, 166-68, and 189-200 filed in 03-0831-KJD-RJJ (D. NV) where Jeffrey B. Norris was the purported lead trial counsel for the SEC, cf. also Dkt. #155.n.2 for SEC fraud.

See also Dkt. #107 attached exhibits for Norris' perjured testimony on behalf of the SEC in 04-Cr-1224 (RWS)(SDNY) in November 2007.

See also Dkt. #128: Appendix #3 for SEC and USAO fraud regarding 04-Cr-1224 (RWS)(SDNY), 11-4181-CV, 09-0851-Cr, 03-7973-Cv, and 03-0831 (D. NV).

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P. 13

Legal Mail

11/08/2012

SEC Fraud on the Court
Violation of Discovery Order
in 04-Cr-1224 (RWS)(SDNY).

PRIORITY

⇔56218-019⇔

Judge Dyk
Circuit Judge
717 Madison PL NW
Court of Appeals Fed. Cir
Washington, DC 20439
United States

Ulysses Thomas Ware
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Atlanta, GA 30315



Legal Mail
11/08/2012

SERVICE COPY

CRIMINAL CONTEMPT OF DISCOVERY ORDER

JEFFREY B. MORRIS MENTAL ILLNESS
NEWLY DISCOVERED EVIDENCE

PERSONAL AND CONFIDENTIAL

⇔56218-019⇔

Rose Romero
SEC Reg'n Director
801 Cherry ST
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FORT Worth, TX 76102
United States

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Atlanta Prison Camp
P.O. Box 150160
Atlanta, GA 30315



Legal Mail

11/08/2012

SERVICE COPY

CRIMINAL CONTEMPT OF DISCOVERY ORDER

JEFFREY B. MORRIS MENTAL ILLNESS
NEWLY DISCOVERED EVIDENCE

PERSONAL AND CONFIDENTIAL

⇔56218-019⇔

Securities And Exchange
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Off. of the Gen'l Counsel
Washington, DC 20549
United States

11/8/2012

12/16/2012

Ulysses Thomas Ware
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Atlanta Prison Camp
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PRIORITY

November 8, 2012

The Honorable Circuit Judge Dyk
U.S. Court of Appeals
For the Federal Circuit
717 Madison Place
Washington, D.C. 20439

RE: Fraud on the Court committed by the SEC in colluding with the U.S. Attorney (SDNY), and others, regarding the perjured testimony of SEC lawyer Jeffrey B. Norris; and the suppression of Giglio evidence (Norris' mental illness).

Dear Judge Dyk:

I am writing in regard to a recent opinion which I was directed to in regard to former SEC lawyer Jeffrey B. Norris. Cf. Norris v. SEC, 2012 U.S. App. LX 7169 (Fed. Cir. 2012) (Dyk, J.).

In particular, according to the opinion, the SEC was aware of Norris' misconduct as early as 2007, (see Id. at 4), regarding inappropriate emails to Marc Cuban.

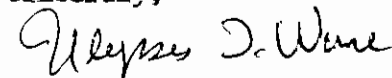
Norris was called as a witness by the USAO (SDNY) in U.S. v. Ware, 04-CR-1224 (RWS)(SDNY) in 11/2007; and the USAO colluded and conspired with the SEC to suppress Norris' misconduct (Giglio evidence) and Jencks Act (18 USC §3500) evidence; and has since that time suppressed all Brady and Giglio evidence in violation of due process and their "continuing duties" regarding Giglio and Brady evidence.

Thus, I am requesting that the Court order the SEC to disclose all Giglio evidence in its possession according to the 1224 district court's August 10, 2007 discovery order, (attached at 18-21).

Judge Dyk, the SEC has known of Norris' mental illness and has not disclosed this evidence to the Court's, which is a clear fraud on the courts where Norris has testified.

If there are any questions in regard to this letter please contact the SEC and the USAO at the address on the attachment in regard to the 1224 proceedings.

Sincerely,



Ulysses Thomas Ware-----

enclosures;

cc: Rose Romero (SEC Regional Director); 03-0831 (D. NV) Court; Circuit Judge Robert A. Katzmann; DOJ Criminal Division.

12/16/2012
11/8/2012

Submitted by Counsel:

PRIORITY

Ulysses J. Ware

Ulysses Thomas Ware

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES SECURITIES AND EX. COMM.
PLAINTIFF-RESPONDENT

Case #: 03-0831-KJD-RJJ

VS.

SMALL CAP RESEARCH GROUP, INC., ET AL.,
DEFENDANTS-RESPONDENT.

NEWLY DISCOVERED EVIDENCE SUPPRESSED BY SEC AND USAO

Fraud on the Court Committed by the USAO (SDNY) and the SEC.

SUPPRESSED MENTAL ILLNESS OF FORMER SEC EMPLOYEE JEFFREY B. NORRIS

11/07/2012 SUPPLEMENT #1.0-A

12/18/2012

Submitted by Counsel:

PRIORITY

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Ulysses Thomas Ware

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES SECURITIES AND EX. COMM.
PLAINTIFF-RESPONDENT

Case #: 03-0831-KJD-RJJ

VS.

SMALL CAP RESEARCH GROUP, INC., ET AL.,
DEFENDANTS-RESPONDENT.

NEWLY DISCOVERED EVIDENCE SUPPRESSED BY SEC AND USAO

Fraud on the Court Committed by the USAO (SDNY) and the SEC.

SUPPRESSED MENTAL ILLNESS OF FORMER SEC EMPLOYEE JEFFREY B. NORRIS

11/07/2012 SUPPLEMENT #2.0: Norris' Improper Emails.

12/18/2012

JEFFREY B. NORRIS, Petitioner, v. SECURITIES AND EXCHANGE COMMISSION, Respondent.
UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

2012 U.S. App. LEXIS 7169

2011-3129

April 10, 2012, Decided

Editorial Information: Prior History

Petition for review of an arbitrator's decision in case no. SEC-AR-09-005 by Daniel M. Winograd.

Disposition:

VACATED and REMANDED.

Counsel

MICHAEL J. KATOR, Kator, Parks & Weiser, P.L.L.C., of Washington, DC, argued for petitioner. With him on the brief was ADAM J. CASNER, of Austin, Texas.

TARA K. HOGAN, Trial Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, argued for respondent. With her on the brief were TONY WEST, Assistant Attorney General, JEANNE E. DAVIDSON, Director, and TODD M. HUGHES, Deputy Director. Of counsel on the brief was JUANITA C. HERNANDEZ, Senior Counsel, Securities & Exchange Commission, of Washington, DC.

Judges: Before DYK, MOORE, and O'MALLEY, Circuit Judges.

CASE SUMMARY

PROCEDURAL POSTURE: Petitioner former employee sought review of an arbitrator's decision affirming respondent Securities and Exchange Commission's removal of him from his position as a Trial Attorney. Arbitrator was required to consider post-removal evidence that an SEC employee him to consider, that the employee's personal issues that had affected his performance had improved and that new medication was helping with disorder, and on remand, that evidence was to be considered in evaluating the relevant factors.

OVERVIEW: There was no dispute that the employee had engaged in the behavior that led to his removal or that his actions were improper. The focus was on whether removal was a reasonable penalty. The deciding official testified to her knowledge of a prior incident that had not been listed in the notice of proposed removal, but she also testified that, in deciding to remove the employee, she had not considered information not included in the notice. Thus, there was no evidence she improperly considered ex parte information in determining the penalty to be imposed. But, the arbitrator erred in holding that post-removal good conduct was not relevant. The employee asked the arbitrator to consider evidence that personal issues that had affected his performance had improved and that new medication was helping with disorder. In assessing the reasonableness of the penalty imposed, the arbitrator was required to consider post-removal evidence that was brought to his attention. On remand, the arbitrator was to consider the post-removal evidence submitted by the employee in evaluating the relevant factors.

OUTCOME: The arbitrator's decision affirming the employee's removal was vacated and the matter was

Docket Number(s): 09-0851-cr and 07-5222-cr
Caption (use short title): United States of America v. Thomas Ware

Motion For: Extension of time to file affirmation and leave to file motion out of time

Set forth below precise, complete statement of relief sought:
The Government seeks an extension of time of 30 days from the present due date of May 11, 2009 to June 16, 2009, in which to file its affirmation and leave to file motion out of time.

MOVING PARTY: United States of America
OPPOSING PARTY: Thomas Ware

Plaintiff Defendant
Appellant/Petitioner X Appellee/Respondent

MOVING ATTORNEY: LEV L. DASSIN
Acting United States Attorney
Southern District of New York
One St. Andrew's Place
New York, NY 10007
by: MARIA E. DOUVAS
Tel: (212) 637-2227
e-mail: maria.douvas@sdoj.gov

OPPOSING ATTORNEY (Name): Ulysses Thomas Ware
(name of attorney, with firm, address, phone number and e-mail)
Ulysses Thomas Ware
Reg. No. 56218-015
MDC Brooklyn
Metropolitan Detention Center
P.O. Box 33000
Brooklyn, NY 11233

Court/Judge/Agency appealed from: U.S. District Court, S.D.N.Y., Hon. Robert W. Sweet

Please check appropriate boxes:
Has consent of opposing counsel: ☐ Yes ☒ No
A. been sought? ☐ Yes ☒ No
B. been obtained? ☐ Yes ☒ No
Is oral argument requested? ☐ Yes ☒ No
(request for oral argument will not necessarily be granted)
Has argument date of appeal been set? ☐ Yes ☒ No
If yes, enter date:

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL
Has request for relief been made below? ☐ Yes ☒ No
Has this relief been previously sought in this Court? ☐ Yes ☒ No
Requested return date and explanation of emergency:

Signatures of Moving Attorney: Date: May 11, 2009
Has service been effected? ☒ Yes ☐ No
(Attach affidavit of service)

ORDER
IT IS HEREBY ORDERED THAT the motion is GRANTED DENIED.
FOR THE COURT:
ROSEANNE R. MACKECHNIE, Clerk of Court
Date: By:

FORM T-1089 (Revised 10/31/02)

P. 18

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT
-----x
UNITED STATES OF AMERICA,
Appellee,
v.
THOMAS WARE,
Defendant-Appellant.
-----x

MARIA E. DOUVAS, pursuant to Title 28, United States Code, Section 1746, hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney in the Office of Lev L. Dassin, Acting United States Attorney for the Southern District of New York, and I am one of the attorneys responsible for representing the Government in this appeal. This affirmation is submitted in support of the Government's motion for a 30-day extension of time in which to file its affirmation in response to Appellant's Motion for the Government to Certify Compliance with Brady and Giglio and Motion for Bail in 07-5222-cr and 09-0851-cr.

2. This request for an extension represents the first request for an extension by the Government in connection with Appellant's instant motion.

3. Appellant has appealed from an order entered on November 27, 2007, in the United States District Court for the Southern District of New York, by the Honorable Robert W. Sweet, United States District Judge, which ordered the Appellant to be

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detained pursuant to Title 18, United States Code, Section 4142(d)(3), following a five-day jury trial. Indictment 04 Cr. 1224 (RWS) was filed on November 17, 2004 (the "2004 Indictment"). The 2004 Indictment charged the Appellant with three counts of criminal contempt in violation of Title 18, United States Code, Section 401(3). Trial began on November 15, 2007, and ended on November 21, 2007, when the jury convicted Appellant on all counts. Assistant United States Attorney Nicholas S. Goldin and I were responsible for prosecuting this case.

4. Appellant is also moving to compel the Government to "Certify Compliance with Brady and Giglio" in connection with United States v. Thomas Ware, 04 Cr. 1224 (RWS) and United States v. Ulysses Thomas Ware, 05 Cr. 1115 (WHP). Superseding Indictment S1 05 Cr. 1115 (WHP) was filed on September 14, 2006 (the "2005 Indictment"), in two counts. The 2005 Indictment charged the Appellant with one count of conspiracy to commit securities and wire fraud, in violation of Title 18, United States Code, Section 371, and one count of Securities Fraud, in violation of Title 15, United States Code, Sections 78j(b) and 78ff, Title 17, Code of Federal Regulations, Section 240.10b-5, and Title 18 United States Code, Section 2. The Assistant United States Attorneys who were responsible for the prosecution of United States v. Ulysses Thomas Ware, 05 Cr.

1115 (WHP) were Alexander Southwell and Steven Feldman.

5. Appellant's brief on the merits in connection with United States v. Ulysses Thomas Ware, 05 Cr. 1115 (WHP) has been fully briefed, and set for submission without oral argument. On March 3, 2009, Appellant filed a notice of appeal in connection with United States v. Thomas Ware, 04 Cr. 1224 (RWS).

6. Ware's current brief on appeal contends that the attorneys for the Government in United States v. Ulysses Thomas Ware, 05 Cr. 1115 (WHP) and United States v. Thomas Ware, 04 Cr. 1224 (RWS) deliberately and willfully suppressed Brady and Giglio evidence as part of an ongoing criminal enterprise, and to wage a "vendetta of Judge Leonard B. Sand" against Ware. Ware also contends that his appeal raises a substantial question of law or fact likely to result in a reversal or an order for a new trial, and therefore moves for release from custody pending appeal, pursuant to Title 18, United States Code, Section 3145(c).

7. Pursuant to the initial scheduling order issued by this Court after Appellant filed his motion on April 25, 2009, the Government's response was due on May 11, 2009.

8. Ware has made serious allegations against counsel for the Government in two criminal trials. Accordingly, a review of the trial records in both United States v. Thomas Ware, 04 Cr. 1224 (RWS) and United States v. Ulysses Thomas Ware, 05 Cr. 1115 (WHP) is required to answer the Appellant's allegations. The

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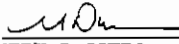
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12/19/2012

Government has conducted an initial review of Ware's claims, and finds them to be wholly without merit. However, the Government has not been able to complete its investigation because neither of the prosecutors in United States v. Ulysses Thomas Ware, 05 Cr. 1115 (WHP) are currently employed by the United States Department of Justice, and there is a substantial number of documents and records involved in connection with that criminal trial. Because of the time required to review the trial record, and to communicate with the trial attorneys in that case, and my work on numerous other matters, I have not had an opportunity to draft the Government's response to Ware's motion.

9. Accordingly, the Government respectfully requests a 30-day extension of time to file its response in opposition the Appellant's motion until June 10, 2009, and leave to file this motion out of time.

Dated: New York, New York
May 11, 2009


MARIA E. DOUVAS
Assistant United States Attorney
Southern District of New York

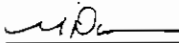
AFFIRMATION OF SERVICE

MARIA E. DOUVAS affirms under penalty of perjury pursuant to 28 U.S.C. § 1746 the following:

That on the 11th day of May, 2009, she mailed one copy of the within Notice of Motion for An Extension and Leave to File Affirmation Out of Time by enclosing the same in a properly marked envelope addressed to:

Ulysses Thomas Ware
Reg. No. 56218-019
MDC Brooklyn
Metropolitan Detention Center
P.O. Box 129002
Brooklyn, NY 11232

and that she placed the envelope in an outgoing mail box located at One St. Andrew's Plaza, New York, New York 10007.


MARIA E. DOUVAS
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA
PLAINTIFF,

v.

ULYSSES THOMAS WARE,
DEFENDANT.

CASE / 05-CR-1115(WHP)

Defendant Ware's Exhibit: Brady and Giglio Fraud on the Court Violation Regarding Jeffrey B. Morris, Esq. of the Securities and Exchange Commission Submitted in U.S. v. Ware, 04-Cr-1224(RWS) by AUSA Nicholas S. Goldin.

Submitted by
Ulysses Thomas Ware
Reg. No. 56218-019
Atlanta Prison Camp
P.O. Box 150160
Atlanta, GA 30315
December 17, 2009

U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mello Building
One Saint Andrew's Plaza
New York, New York 10007

October 15, 2009

By HAND

Honorable Robert W. Sweet
United States District Judge
500 Pearl Street
New York, New York 10007

Re: United States v. Thomas Ware, 04 Cr. 1224 (RWS)

Dear Judge Sweet:

The Government respectfully responds to the defendant's July 9, 2009 application seeking referral of certain assistant U.S. Attorneys for criminal contempt prosecution based on a purported violation of this Court's August 10, 2007 Order¹ insofar as the Order concerned disclosure of exculpatory and impeachment material. As set forth below, the application is wholly without merit and should be denied.

Initially, Ware's application is yet another reminder of the following passage in a decision by then-District Judge Calmes:

It is well documented in this district and in courts around the country that [the litigant] has attempted, through a pattern and practice of suing judges and making irrelevant and unfounded allegations about them and their families, to clog the legal system by filing countless costly and time-consuming documents which obscure the issues and place extraordinary burdens on the parties, the attorneys and the judges (who are often the subject of [the litigant's] motions for removal). . . . It may be that [the litigant], recognizing his legal and factual problem, is attempting by his wild accusations of venal conduct on the part of all the lawyers, trustees, and bankruptcy judges involved in the administration of the estates in both Massachusetts and Connecticut, in the words of former Justice Jackson, to pound loudly on the table in the hope that if he becomes enough of a problem, that by either intimidation or weariness, he may accomplish some part of his purpose. Since he is already in bankruptcy, what does he have to lose? The result is

¹ The Order is dated August 8, 2007 and was docketed on August 10, 2007. (See Aug. 8, 2007 Order, attached hereto).

that the accusations increase, the motions, pleadings, complaints, and suits multiply, courts and lawyers are buried in mountains of time-consuming paper. If there is one truth, it is that the estate will be bled white by the costs and legal fees engendered by his 'crusade.'

In re Martin-Trigona, 573 F. Supp. 1237, 1242 (D. Conn. 1983).²

Discovery order

Turning to Ware's July 9, 2009 application, Ware claims that this Court's August 10, 2007 Order directed the Government to produce all Brady and Giglio material by October 31, 2007. That, however, is incorrect. The face of the Order stated that "the Government shall produce all exculpatory and impeachment evidence prior to trial" (see Order at 7), as opposed to October 31, 2007. The trial began on November 14, 2007. Indeed, as the Order itself recounts, it was the defendant himself who had requested production of all exculpatory and impeachment material on this timetable. (See Order at 2.)

By *ex parte* letter submitted on or about November 9, 2007 (which was approximately one week before trial began), the Government informed this Court about certain matters it had learned about one of its trial witnesses, Jeffrey Norris, including two instances when Norris was disciplined by his employer, the Securities and Exchange Commission. In its letter the Government sought a ruling that it did not need to disclose to the defendant the material described in the letter or, to the extent disclosure was required, a ruling that the material could not be used for cross-examination purposes. This procedure used by the Government for seeking this ruling was consistent both with this Court's orders and Second Circuit law. See *United States v. Kuzewski*, 877 F.2d 210, 216 (2d Cir. 1989) (approving procedure of having court conduct *in camera* review of government agent's personnel file, to determine whether any information was discoverable under Giglio); *United States v. Salameh*, 152 F.3d 88, 131-32 (2d Cir. 1998) (affirming court's refusal, after *in camera* review, to disclose government witness's prior disorderly conduct violations).

On or about November 16, 2007, before Norris's direct examination began, this Court provided the defendant with a copy of the Government's November 9, 2007 letter. This Court gave the defendant time to review the letter and then heard argument from the defendant on why the material described in the letter was relevant to Norris's credibility as a witness in this case and was a proper basis for cross-examination. After hearing from Ware, this Court precluded

cross-examination on the matters described in the Government's letter. (See trial tr. 534-35, 571-75, attached hereto.) In the course of doing so, this Court stated the following: "It doesn't constitute Giglio material" (tr. 534); "[I]n any view these matters do not go to veracity or truth" (tr. 573); and "I don't think it is Giglio material, but I turned it over to you so that you can - I turned the letter over to you so that you would be aware, but I don't think the material is Giglio material" (tr. 574).

Contrary to the defendant's instant claim that the Government somehow acted improperly in connection with disclosure of this information about Norris, the Government acted properly in terms of both the manner and timing of its handling of this information. Moreover, before Norris began his direct testimony, the defendant was given ample opportunity to review the Government's letter and was permitted to argue why he believed this information could be used for cross-examination. Only then did this Court preclude him from using this material to cross-examine. Thus, the Government did not act improperly and, in any event, the defendant suffered no prejudice as a result of the nature or timing of the disclosure.

In sum, as this Court repeatedly stated, the material at issue was not Giglio material; to the extent it was, consistent with this Court's August 10, 2007 Order and Second Circuit precedent, the Government disclosed it to the Court prior to trial for a determination as to whether it was Giglio material; and before precluding cross-examination using it, the Court disclosed it to the defendant and heard argument from him. Thus, the Government did not violate the Court's August 10, 2007 Order, either intentionally or unintentionally.

Accordingly, the Court should deny Ware's application for a referral of certain prosecutors for criminal contempt prosecution.

Respectfully submitted,

FREET BHARARA
United States Attorney
Southern District of New York

By:

Nicholas S. Goldin
Assistant United States Attorney
(212) 637-2334

cc: Ulysses Thomas Ware, pro se
Reg. No. 56218-019
Atlanta Prison Camp
PO Box 150160
Atlanta, GA 30315

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(1) measures to effect service and enforcement of the order in any
(2) district of the United States where Thomas Ware may be found.
(3) That's it.
(4) Q. Thank you.
(5) RE-CROSS EXAMINATION
(6) BY MR. WARE:
(7) Q. Have you ever submitted any conversation notices to Silver
(8) Screen Studios?
(9) A. I don't recall now, but I don't think so.
(10) Q. So they would not be obligated to give you any stories if
(11) you had not submitted conversation notices -
(12) MR. GOLDIN: Objection.
(13) THE COURT: Sustained.
(14) Q. Would Silver Screen have any obligation to you right now?
(15) MR. GOLDIN: Objection.
(16) THE COURT: Sustained.
(17) Q. This order here, prior to the September 1, 2003 order where
(18) Judge Scalet had Mr. Ware illegally arrested, that was
(19) subsequently withdrawn?
(20) MR. GOLDIN: Objection.
(21) THE COURT: Sustained.
(22) MR. WARE: No further questions.
(23) THE COURT: Anything further?
(24) MR. GOLDIN: No.
(25) THE COURT: You are excused.

(1) (Jury not present)
(2) THE COURT: What is happening this afternoon?
(3) MS. DOUVAS: There are only two more witnesses. One
(4) is the transfer agent and the other is the 404(b) witness, and
(5) that's it.
(6) MR. GOLDIN: What time are we remaining?
(7) THE COURT: 2:15.
(8) Counsel, I have received a note from a juror. It will
(9) be needed Court Exhibit 2.
(10) (Loudspeaker roars)
(11) (Continued on next page)

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(1) THE WITNESS: Thank you.
(2) (Witness excused)
(3) THE COURT: We will resume at 2:15, ladies and
(4) gentlemen.
(5) (Continued on next page)

(1) AFTERNOON SESSION
(2) 2:15 p.m.
(3) (In chambers)
(4) (The Court, government counsel present)
(5) THE COURT: This came to on December 8. This is an ex
(6) parte explanation to deem certain material sealed. It doesn't
(7) constitute Giglio material and when I got this I said, well, we
(8) will deal with this when it comes up. I have come up, and I am
(9) sorry that I didn't deal with it earlier.
(10) I don't see any basis on which we cannot turn it over
(11) to the defendant.
(12) MS. DOUVAS: The government's position, just to state
(13) it, was simply that we didn't think that the fact that he was
(14) disciplined for -
(15) THE COURT: He is not going to be able to use it in
(16) cross-examination.
(17) MR. GOLDIN: The Court's view is that we will turn it
(18) over, but the Court will preclude him from cross-examining it.
(19) THE COURT: I think that I will give him this letter.
(20) (Continued on next page)

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(1) (In open court, jury not present)
(2) THE COURT: I take it that this is the next witness.
(3) MS. DOUVAS: It is not the next witness. That is the
(4) transfer agent.
(5) THE COURT: Let's go with the next witness.
(6) MR. WARE: Before we start, could I have a chance to
(7) read this document?
(8) THE COURT: No, I give it to you so you couldn't read
(9) it - of course read it, but it doesn't have anything to do
(10) with what is happening next.
(11) MR. WARE: It is going to be hard for me to focus
(12) while reading this document.
(13) THE COURT: You can do that.
(14) (Continued on next page)

(1) Q. Is Computershare also a stock transfer agent?
(2) A. Yes.
(3) Q. How long have you been with Computershare?
(4) A. 23 years.
(5) Q. What is your role or title there?
(6) A. Vice president.
(7) Q. If you can describe generally what your duties and
(8) responsibilities are as a vice president of Computershare
(9) A. I manage the corporate trust. I handle contracts,
(10) agreements and negotiate those agreements and contracts, and
(11) handle transactions that are questionable in nature.
(12) Q. I want to direct your attention to a particular compa
(13) Are you familiar with a company by the name of Group
(14) Management?
(15) A. Yes.
(16) Q. How are you familiar with that company?
(17) A. Computershare acted as the transfer agent for a period o
(18) time for Group Management.
(19) Q. During what period of time did Computershare act as it
(20) transfer agent?
(21) A. Around 1989 through 2003.
(22) Q. What types of services did Computershare perform for Gr
(23) Management's account?
(24) A. Regular stock transfer activities. We registered the
(25) shareholders, maintained the shareholder list, issued stock

(1) (Jury present)
(2) THE COURT: Yes.
(3) MS. DOUVAS: The government calls Kellie Gwin, your
(4) Honor.
(5) KELLIE GWIN,
(6) having been duly sworn, testified as follows:
(7) DIRECT EXAMINATION
(8) BY MS. DOUVAS:
(9) Q. Good afternoon.
(10) Where do you work?
(11) A. Computershare Trust Company N.A.
(12) Q. Could you speak up a little bit.
(13) THE COURT: Ms. Gwin, I am sorry, but the conversation
(14) is rather large and we don't have an amplifying system, so
(15) please keep your voice up so that the jury can hear you.
(16) A. Computershare Trust Company N.A.
(17) Q. If you can very briefly tell the jury what Computershare
(18) Trust Company is, what type of business is it?
(19) A. Computershare maintains the books and records for public
(20) companies, the registered shareholders.
(21) Q. What is a stock transfer agent?
(22) A. They maintain the books and records for public companies,
(23) issue stock certificates, transactions involving a public
(24) company.

(1) certificates and recorded transactions.
(2) Q. Did Group Management have any other stock transfer agen
(3) from the time period of November 2002 to December 1, 2003?
(4) A. Not to my knowledge, no.
(5) Q. I am now going to show you what's been marked for the
(6) purposes of identification, Government Exhibit 8?
(7) MS. DOUVAS: Your Honor, may I approach.
(8) Q. Do you recognize Government Exhibit 80?
(9) A. Yes.
(10) Q. How do you recognize it?
(11) A. I printed this across page of what we refer to as the
(12) company's annual meeting agenda for Computershare or Gro
(13) Management - excuse me.
(14) Q. Is the type of information that is contained in Governme
(15) Exhibit 80 that you printed off of the documents maintained at
(16) Computershare's normal and ordinary course of business?
(17) A. Yes.
(18) Q. At what time is the information inputted into the database?
(19) A. As we receive it.
(20) MS. DOUVAS: Your Honor, the government offers
(21) Government Exhibit 80.
(22) THE COURT: It is admitted.
(23) (Continued on next page)
(24) MS. DOUVAS: Your Honor, the government offers
(25) Government Exhibit 80.

11/17/2012

CROSS-EXAMINATION

MR. WARE:

Q. Now, have you seen Government Exhibit 31 prior to today?

A. No.

Q. Do you have any personal knowledge of Government Exhibit 31?

A. No.

Q. Other than you seeing this document today for the first time, do you have any knowledge of this document?

A. No.

MR. WARE: Your Honor, at this point I move to strike questions and testimony of Mr. Gwinn.

THE COURT: Denied.

Anything further?

MS. DOUVAS: No, your Honor.

THE COURT: Thank you, Ms. Douvas. We will have a short recess, ladies and gentlemen.

(Jury not present)

THE COURT: The witness is excused.

I received on November 9 an ex parte application from the government with respect to the SEC witness and the verbatim sought to have me determine that the application could be sealed and that the material described in the application was not appropriate for cross-examination. When we

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cross-examination. Your Honor, first of all, we don't know when this contest occurred, neither one. Was it yesterday? Was it two weeks ago? Was it a year ago? That's the relevant issue. Mr. Morris, according to this document, not once but twice altered his official e-mail account to basically elicit his personal views outside of his official conduct with the SEC. And at that particular case the government is using Mr. Morris' testimony to suggest to the jury based upon Mr. Morris' credibility and truthfulness that somehow Mr. Ware had acted in the litigation in Nevada. Mr. Morris' testimony and any cross-examination on this testimony, your Honor, is critical because any one's veracity and truthfulness.

THE COURT: Yes. But in my view there are no dots to dot go to veracity or truth.

MR. WARE: Your Honor, not only has Mr. Morris done that in the past, he did it in this particular case. The reason why I know that is because the government on e-mail sent from Mr. Morris on December 11, 2005, which he directed was on Mr. Ware. Mr. Morris says I am very pleased to learn that the Atlanta office is opening a second front to the Ware case. I will ask my paralegal assistant to copy and send it to you tomorrow.

THE COURT: We're not talking about that.

MR. WARE: Excuse me?

THE COURT: We are not talking about that. We're talking about the subject of the letter. Is there anything else you want to tell me?

MR. WARE: Again, Mr. Morris has a history of using his official.

THE COURT: Is there anything else you want to tell me about the material covered in the letter?

MR. WARE: Well, your Honor, I'd like to see the Giglio material that comprises the contents of this letter. I never received that from the government. I have a right to see that. Whether or not you want to conclude that or not, I still have a right to see this information that is Giglio material.

THE COURT: I don't think it is Giglio material, but I turned it over to you so that you can -- I turned the letter over to you so that you would be aware, but I don't think the material is Giglio material.

MR. WARE: Your Honor, just to show Mr. Morris' bias, another e-mail --

THE COURT: No, Mr. Ware, I am not talking about his bias.

MR. WARE: Bias and his truthfulness and his veracity to testify in this case.

THE COURT: You can attack him any way you want, but you can't use those instances.

MR. WARE: The two instances in this letter is that what you are referring to?

THE COURT: Yes.

A. Yes.

Q. Did Mr. Ware act as a lawyer in the lawsuit?

A. Mr. Ware also represented himself and each of the other defendants in that litigation.

Q. Over what period of time did you know Mr. Ware?

A. We probably knew him from July of 2001 when that case was filed until sometime in late 2005, probably the fall of 2005.

Q. During that time from 2003 to 2005, did you ever see Mr. Ware in person?

A. Yes, I did.

Q. Approximately how many times did you meet him in person?

A. I believe four times.

Q. If you see Mr. Ware today that you just please prove him as by an article of clothing that he is wearing?

A. Mr. Ware is the gentleman on the back table with the yellow tie, and I think it is a gray suit, with glasses.

MS. DOUVAS: Let the record reflect that the witness has identified the defendant.

THE COURT: Yes.

MS. DOUVAS: Your Honor, at this time I would like to offer Government Exhibit 125KT with the consent of the parties.

THE COURT: Yes.

MS. DOUVAS: Now 125 KT is a transcript of a deposition proceeding, and I am going to read the questions and I am going to say "question" first and if you could read the answer or just "answer" before you speak.

Q. How long have you worked with the SEC?

A. I have been with the SEC for slightly more than 15 years.

Q. And you said you are senior trial counsel. So how long have you been a lawyer?

A. I have been a lawyer for 22 years.

Q. In your capacity of being a trial attorney with the SEC, you became familiar with a person by the name of Ulysses Thomas Ware or Thomas Ware?

A. Yes, I did.

Q. How did you become familiar with Mr. Ware?

A. In 2003 I received the investigative record of a case that involved an empty stock share, trading in the shares of a stock called Investment Technologies Inc. I subsequently, in July of 2003 brought a civil injunctive action in the District Court of Nevada against two individuals and four entities. One of those individuals was Mr. Ware.

(Continued on next page)

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Q. How long have you worked with the SEC?

A. I have been with the SEC for slightly more than 15 years.

Q. And you said you are senior trial counsel. So how long have you been a lawyer?

A. I have been a lawyer for 22 years.

Q. In your capacity of being a trial attorney with the SEC, you became familiar with a person by the name of Ulysses Thomas Ware or Thomas Ware?

A. Yes, I did.

Q. How did you become familiar with Mr. Ware?

A. In 2003 I received the investigative record of a case that involved an empty stock share, trading in the shares of a stock called Investment Technologies Inc. I subsequently, in July of 2003 brought a civil injunctive action in the District Court of Nevada against two individuals and four entities. One of those individuals was Mr. Ware.

(Continued on next page)

Certificate of Service

I, Ulysses Thomas Ware, have this ___ day of December 2009 served a copy of Ware's Exhibit of Brady and Giglio Fraud on the persons listed below by depositing into the legal mailing system at the Atlanta Prison Camp with correct first class postage affixed addressed as follows:

ADA Nicholas S. Goldin
U.S. Attorney's Office
One St. Andrews Plaza
New York, NY 10007

District Clerk's Office
U.S. District Court
500 Pearl Street
New York, NY 10007

District Judge William E. Pauley, III
U.S. Courthouse
500 Pearl St.
New York, NY 10007

Ulysses Thomas Ware

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Submitted by Counsel:

PRIORITYUlysses J. Ware

Ulysses Thomas Ware

Reg. No. 56218-019

Atlanta Prison Camp

P.O. Box 150160

Atlanta, GA 30315

11/07/2012 05:44:59 P.M. printed

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADAUNITED STATES SECURITIES AND EX. COMM.
PLAINTIFF-RESPONDENT

Case #: 03-0831-KJD-RJJ

VS.

SMALL CAP RESEARCH GROUP, INC., ET AL.,
DEFENDANTS-RESPONDENT.

NEWLY DISCOVERED EVIDENCE SUPPRESSED BY SEC AND USAO

Fraud on the Court Committed by the USAO (SDNY) and the SEC.

SUPPRESSED MENTAL ILLNESS OF FORMER SEC EMPLOYEE JEFFREY B. NORRIS

11/07/2012 Declaration of Ulysses Thomas Ware

Norris testified and committed perjury during 04-cr-1224 (Rws)(SDNY); which by the way on 12/20/2007 at Oki. #90 in 02-cv-2219 (SDNY) was dismissed w/o prejudice pursuant to Rule 41(a)(2) rendering 09-0851-cv moot, i.e., the Court lacked 28 USC § 46 authority to review 09-0851-cv ⁰⁴ 11/14/2010. 11/16/2012